

# Draft

## PERMIT

**Permit No:** #200801885-TS

**Municipality:** Riverside

**Work Area:** Cos Cob Harbor off property located at 26 Cherry Tree Lane

**Permittee:** Andreas Duus III  
26 Cherry Tree Lane  
Riverside, CT 06878

Pursuant to sections 22a-359 through 22a-363f of the Connecticut General Statutes ("CGS") and in accordance with CGS section 22a-98, and the Connecticut Water Quality Standards dated December 2002, a permit is hereby granted by the Commissioner of Environmental Protection ("Commissioner") to remove concrete and stone debris, and retain and maintain an existing seawall and revetment for flood and erosion control purposes as is more specifically described below in the SCOPE OF AUTHORIZATION, in Cos Cob Harbor off property identified as the "work area" above.

### **\*\*\*\*\*NOTICE TO PERMITTEES AND CONTRACTORS\*\*\*\*\***

**UPON INITIATION OF ANY WORK AUTHORIZED HEREIN, THE PERMITTEE ACCEPTS AND AGREES TO COMPLY WITH ALL TERMS AND CONDITIONS OF THIS PERMIT. FAILURE TO CONFORM TO THE TERMS AND CONDITIONS OF THIS PERMIT MAY SUBJECT THE PERMITTEE AND ANY CONTRACTOR TO ENFORCEMENT ACTIONS, INCLUDING INJUNCTIONS AS PROVIDED BY LAW AND PENALTIES UP TO \$1,000.00 PER DAY PURSUANT TO THE ADMINISTRATIVE CIVIL PENALTY POLICY DESCRIBED IN SECTIONS 22a-6b-1 THROUGH 22a-6b-15 OF THE REGULATIONS OF CONNECTICUT STATE AGENCIES.**

### **SCOPE OF AUTHORIZATION**

The Permittee is hereby authorized to conduct the following work as described in application #200801885-TS, including ten sheets of plans with sheet 1 dated July 9, 2008 and revised May 12, 2009, and sheets 2 through 10 dated March 21, 2008 and revised May 12, 2009, submitted by the Permittee to the Commissioner and attached hereto as follows:

1. remove approximately 0.5 cubic yards of concrete and stone debris located around the perimeter of an existing, deteriorated tennis court;

2. retain an existing approximately 175 linear foot concrete seawall with two concrete steps;
3. retain an existing approximately 7' high by 220' long stone revetment;
4. rebuild the seawall authorized in paragraph 2., above by, excavating landward; temporarily stockpiling the excavated sediment on the upland; removing the existing seawall and concrete steps; using approximately 100 cubic yards of new stone and concrete to rebuild the seawall; installing a stone cosmetic cap; and backfilling with previously excavated sediment to achieve the pre-construction grade; and
5. maintain, where needed, the stone revetment authorized in paragraph 3., above, by excavating landward; temporarily stockpiling the excavated sediment on the upland; placing filter fabric immediately landward of the revetment and filling with approximately 5 cubic yards gravel; and backfilling with previously excavated sediment to achieve the pre-construction grade.

**THIS AUTHORIZATION SPECIFICALLY DOES NOT AUTHORIZE THE PROPOSED CONCRETE AND STONE STEPS SHOWN ON PLAN SHEETS 9 AND 10.**

#### **SPECIAL TERMS AND CONDITIONS**

1. Prior to the commencement of work authorized herein, sedimentation and erosion controls shall be designed and installed in accordance with the Connecticut Guidelines for Soil Erosion and Sediment Control. Such sedimentation and erosion controls shall be maintained in optimal operating condition until the site has been stabilized.
2. The Permittee shall ensure that no tidal wetland vegetation is disturbed during the work authorized in paragraph 5. of the SCOPE OF AUTHORIZATION, above. At no time shall any tidal wetland vegetation be excavated or filled.
3. The stone cosmetic cap authorized in paragraph 4. of the SCOPE OF AUTHORIZATION, above, shall not exceed the existing elevations as shown on the attached plan sheets. Such stone cosmetic cap shall not be used for the retention of fill or for any other flood and erosion control purpose.
4. All work authorized herein shall be conducted during periods of low water only.
5. At no time shall heavy equipment be staged waterward of the high tide line. All work using heavy equipment shall be conducted from the upland area landward of the existing revetment and seawall.
6. Any excavated sediment must be stored above the high tide line and out of tidal wetlands. The

Certificate Holder shall utilize haybales and silt fences to contain the stockpiled sediment.

7. All waste material generated by the performance of the work authorized herein shall be disposed of by the Permittee at an upland site approved for the disposal of such waste material.
8. Except as specifically authorized by this permit, no equipment or material, including but not limited to, fill, construction materials, excavated material or debris, shall be deposited, placed or stored in any wetland or watercourse on or off-site, or within any delineated setback area, nor shall any wetland, watercourse or delineated setback area be used as a staging area or accessway other than as provided herein.
9. In undertaking the work authorized hereunder, the Permittee shall not cause or allow pollution of wetlands or watercourses, including pollution resulting from sedimentation and erosion. For purposes of this permit, "pollution" means "pollution" as that term is defined by CGS section 22a-423.
10. Not later than two weeks prior to the commencement of any work authorized herein, the Permittee shall submit to the Commissioner, on the form attached hereto as Appendix A, the name(s) and address(es) of any contractor(s) employed to conduct such work and the expected date for commencement and completion of such work.
11. The Permittee shall give a copy of this permit to the contractor(s) who will be carrying out the activities authorized herein prior to the start of construction and shall receive a written receipt for such copy, signed and dated by such contractor(s). The Permittee's contractor(s) shall conduct all operations at the site in full compliance with this permit and, to the extent provided by law, may be held liable for any violation of the terms and conditions of this permit.
12. Upon completion of any work authorized herein, the Permittee shall restore all areas impacted by construction, or used as a staging area or accessway in connection with such work, to their condition prior to the commencement of such work.
13. On or before (a) 90 days after completion of the work authorized herein, or (b) upon expiration of the work completion date or any authorized one year extension thereof, whichever is earlier, the Permittee shall submit to the Commissioner as-built" plans prepared and sealed by a licensed engineer, licensed surveyor or licensed architect, as applicable, of the work area showing all tidal datums and structures.

#### **GENERAL TERMS AND CONDITIONS**

1. All work authorized by this permit shall be completed within five years from date of issuance of this permit ("work completion date") in accordance with all conditions of this permit and any other applicable law.
  - a. The Permittee may request a one-year extension of the work completion date. Such request shall be in writing and shall be submitted to the Commissioner at least 30 days prior to said

work completion date. Such request shall describe the work done to date, work which still needs to be completed and the reason for such extension. The Commissioner shall grant or deny such request at her sole discretion.

- b. Any work authorized herein conducted after said work completion date or any authorized one- year extension thereof is a violation of this permit and may subject the Permittee to enforcement action, including penalties, as provided by law.
2. In conducting the work authorized herein, the Permittee shall not deviate from the attached plans, as may be modified by this permit. The Permittee shall not make de minimis changes from said plans without prior written approval of the Commissioner.
3. The Permittee shall maintain all structures or other work authorized herein in good condition. Any such maintenance shall be conducted in accordance with applicable law including, but not limited to, CGS sections 22a-28 through 22a-35 and CGS sections 22a-359 through 22a-363f.
4. The Permittee shall notify the Commissioner in writing of the commencement of any work and completion of all work authorized herein no later than three days prior to the commencement of such work and no later than seven days after the completion of such work.
5. Any document required to be submitted to the Commissioner under this permit or any contact required to be made with the Commissioner shall, unless otherwise specified in writing by the Commissioner, be directed to:

Permit Section  
Office of Long Island Sound Programs  
Department of Environmental Protection  
79 Elm Street  
Hartford, Connecticut 06106-5127  
Phone #(860) 424-3034  
Fax # (860) 424-4054

6. The date of submission to the Commissioner of any document required by this permit shall be the date such document is received by the Commissioner. The date of any notice by the Commissioner under this permit, including but not limited to notice of approval or disapproval of any document or other action, shall be the date such notice is personally delivered or the date three days after it is mailed by the Commissioner, whichever is earlier. Except as otherwise specified in this permit, the word "day" as used in this permit means calendar day. Any document or action which is required by this permit to be submitted or performed by a date which falls on a Saturday, Sunday or a Connecticut or federal holiday shall be submitted or performed on or before the next day which is not a Saturday, Sunday, or a Connecticut or federal holiday.
7. The work specified in the SCOPE OF AUTHORIZATION is authorized solely for the purpose set out in this permit. No change in the purpose or use of the authorized work or facilities as set

forth in this permit may occur without the prior written authorization of the Commissioner. The Permittee shall, prior to undertaking or allowing any change in use or purpose from that which is authorized by this permit, request authorization from the Commissioner for such change. Said request shall be in writing and shall describe the proposed change and the reason for the change.

8. This permit may be revoked, suspended, or modified in accordance with applicable law.
9. This permit is not transferable without prior written authorization of the Commissioner. A request to transfer a permit shall be submitted in writing and shall describe the proposed transfer and the reason for such transfer. The Permittee's obligations under this permit shall not be affected by the passage of title to the work area to any other person or municipality until such time as a transfer is authorized by the Commissioner.
10. The Permittee shall allow any representative of the Commissioner to inspect the work authorized herein at reasonable times to ensure that it is being or has been accomplished in accordance with the terms and conditions of this permit.
11. In granting this permit, the Commissioner has relied on representations of the Permittee, including information and data provided in support of the Permittee's application. Neither the Permittee's representations nor the issuance of this permit shall constitute an assurance by the Commissioner as to the structural integrity, the engineering feasibility or the efficacy of such design.
12. In the event that the Permittee becomes aware that he did not or may not comply, or did not or may not comply on time, with any provision of this permit or of any document required hereunder, the Permittee shall immediately notify the Commissioner and shall take all reasonable steps to ensure that any noncompliance or delay is avoided or, if unavoidable, is minimized to the greatest extent possible. In so notifying the Commissioner, the Permittee shall state in writing the reasons for the noncompliance or delay and propose, for the review and written approval of the Commissioner, dates by which compliance will be achieved, and the Permittee shall comply with any dates which may be approved in writing by the Commissioner. Notification by the Permittee shall not excuse noncompliance or delay and the Commissioner's approval of any compliance dates proposed shall not excuse noncompliance or delay unless specifically stated by the Commissioner in writing.
13. In evaluating the application for this permit the Commissioner has relied on information and data provided by the Permittee and on the Permittee's representations concerning site conditions, design specifications and the proposed work authorized herein, including but not limited to representations concerning the commercial, public or private nature of the work or structures authorized herein, the water-dependency of said work or structures, its availability for access by the general public, and the ownership of regulated structures or filled areas. If such information proves to be false, deceptive, incomplete or inaccurate, this permit may be modified, suspended or revoked, and any unauthorized activities may be subject to enforcement action.
14. The Permittee may not conduct work waterward of the high tide line or in tidal wetlands at this

permit site other than the work authorized herein, unless otherwise authorized by the Commissioner pursuant to CGS section 22a-359 et. seq. and/or CGS section 22a-32 et. seq.

15. The issuance of this permit does not relieve the Permittee of his obligations to obtain any other approvals required by applicable federal, state and local law.
16. Any document, including but not limited to any notice, which is required to be submitted to the Commissioner under this permit shall be signed by the Permittee and by the individual or individuals responsible for actually preparing such document, each of whom shall certify in writing as follows: "I have personally examined and am familiar with the information submitted in this document and all attachments and certify that based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, the submitted information is true, accurate and complete to the best of my knowledge and belief, and I understand that any false statement made in this document or its attachments may be punishable as a criminal offense."
17. This permit is subject to and does not derogate any present or future property rights or powers of the State of Connecticut, and conveys no property rights in real estate or material nor any exclusive privileges, and is further subject to any and all public and private rights and to any federal, state or local laws or regulations pertinent to the property or activity affected hereby.

Issued on \_\_\_\_\_, 2010.

STATE OF CONNECTICUT  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

\_\_\_\_\_  
**Betsey C. Wingfield**  
**Bureau Chief**  
**Bureau of Water Protection and Land Reuse**

**Permit Application No. #200801885-TS**

Andres Duus III

Certified Mail # \_\_\_\_\_

# OFFICE OF LONG ISLAND SOUND PROGRAMS

## APPENDIX A

**TO: Permit Section  
Department of Environmental Protection  
Office of Long Island Sound Programs  
79 Elm Street  
Hartford, CT 06106-5127**

**PERMITTEE:** Andreas Duus III  
26 Cherry Tree Lane  
Riverside, CT 06878

**Permit No:** #200801885-TS, Riverside

**CONTRACTOR 1:** \_\_\_\_\_

Address: \_\_\_\_\_

Telephone #: \_\_\_\_\_

**CONTRACTOR 2:**

Address: \_\_\_\_\_

Telephone #: \_\_\_\_\_

**CONTRACTOR 3:** \_\_\_\_\_

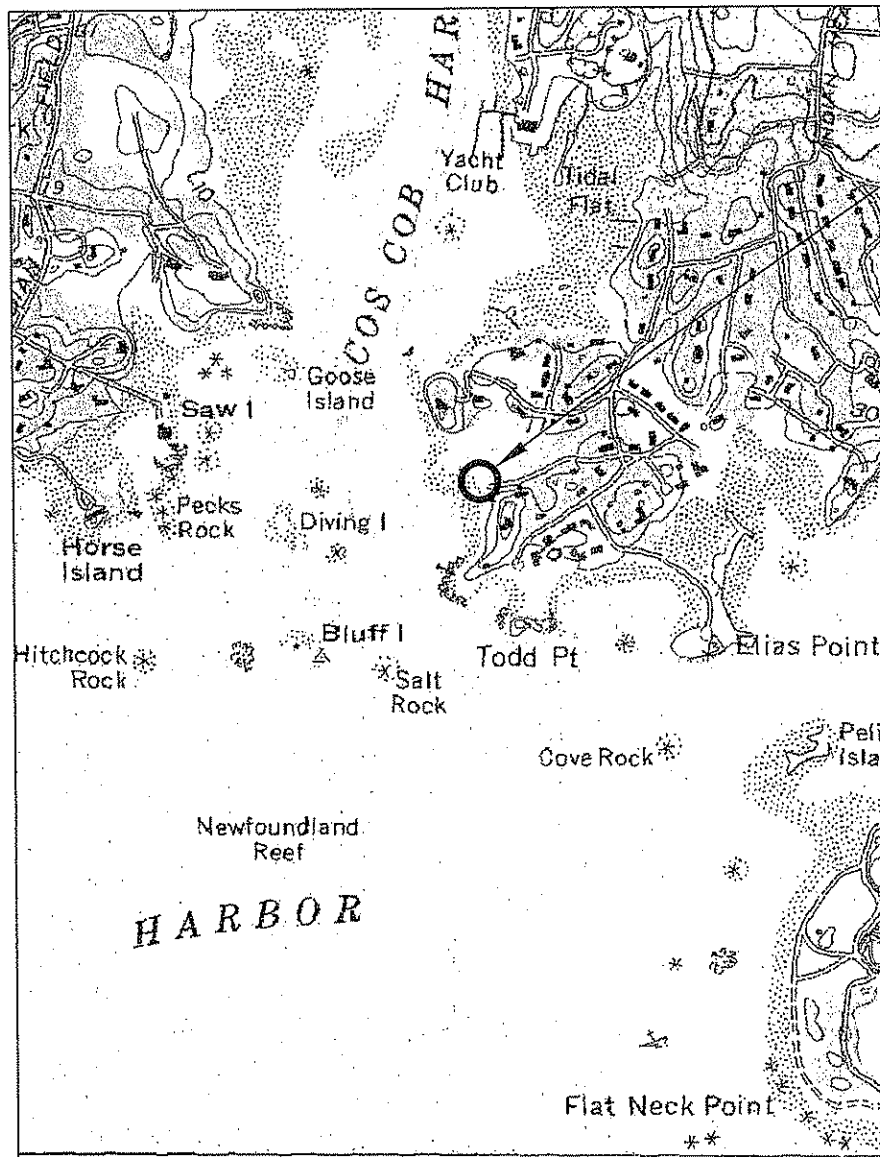
Address: \_\_\_\_\_

Telephone #: \_\_\_\_\_

**EXPECTED DATE OF COMMENCEMENT OF WORK:** \_\_\_\_\_

**EXPECTED DATE OF COMPLETION OF WORK:**

PERMITTEE: \_\_\_\_\_  
(signature) (date)



PROJECT  
SITE

### VICINITY MAP

APPROX. SCALE 1" = 1,500'

VICINITY MAP TAKEN FROM USGS TOPOGRAPHIC  
MAP: STAMFORD QUADRANGLE

REV #3: 5/12/09



ROBERGE ASSOCIATES  
Coastal Engineers, LLC

2499 Main Street, Unit F, Stratford, CT 06615  
Tel: 203-377-0663 Fax: 203-375-6561 www.racellc.com

Drawn By: M.R.R.

Checked By: J.C.R.

Datum: NGVD

Date: 7/9/08

Scale: 1" = 1,500'

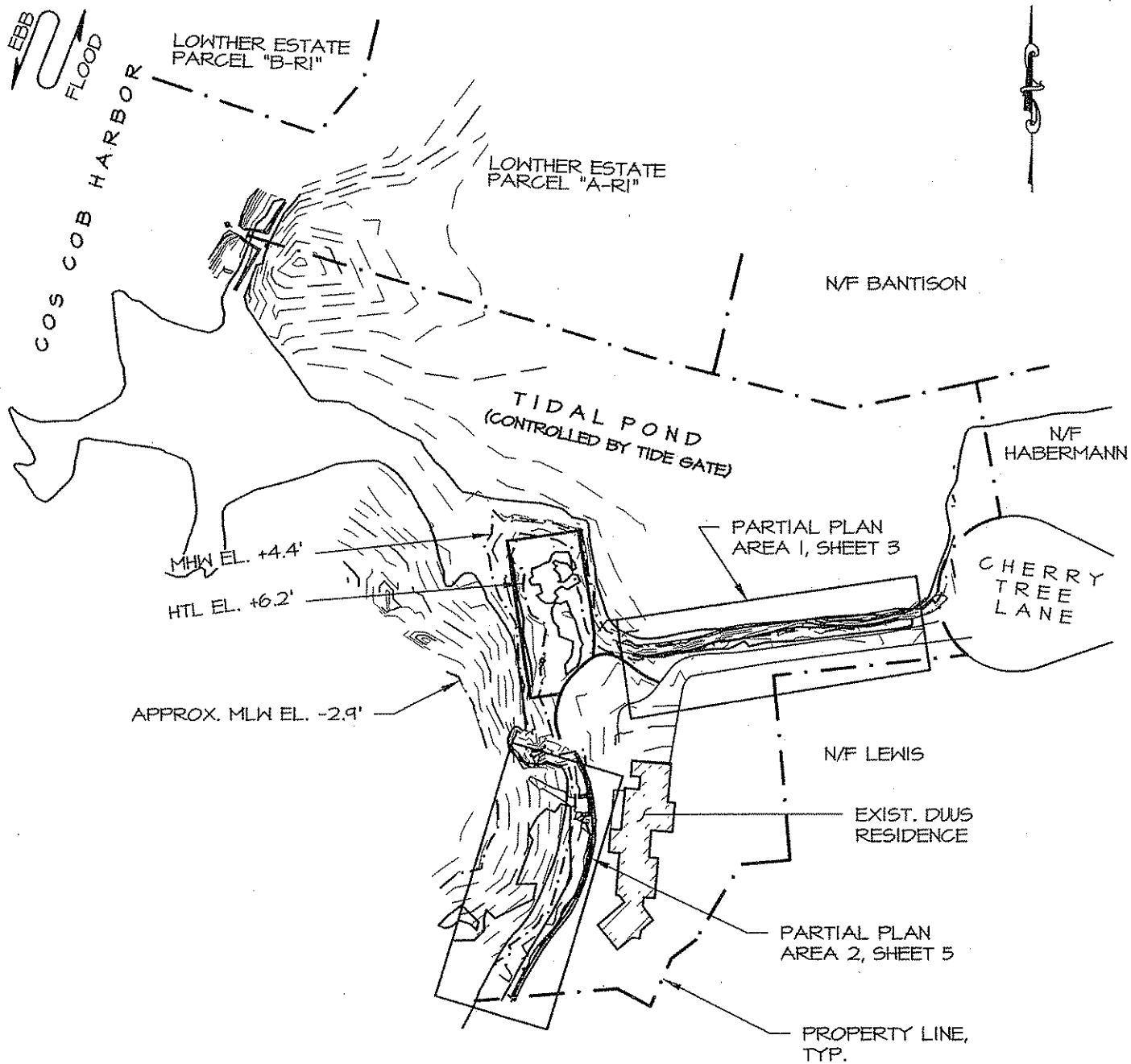
Project #: 200504

DWUS RESIDENCE  
PROPERTY IMPROVEMENTS  
COS COB HARBOR

ANDREAS DWUS III  
26 CHERRY TREE LANE  
RIVERSIDE, CT 06878

SHEET 1 OF 10





**NOTE:**

PROPERTY LINES AND MEAN HIGH WATER LINE TAKEN FROM S.E. MINOR & CO., INC. DRAWING DATED 10-8-96 AND TITLED "PROPERTY SURVEY FOR ANDREAS DUUS III & NANCY E. COOPER".

**EXISTING SITE PLAN**

SCALE: 1"=120'

REV #3: 5/12/09



**ROBERGE ASSOCIATES**  
Coastal Engineers, LLC

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Tel: 203-377-0663 Fax: 203-375-6561 www.racellc.com

Drawn By: M.R.R.

Checked By: J.C.R.

Datum: NGVD

Date: 3/21/08

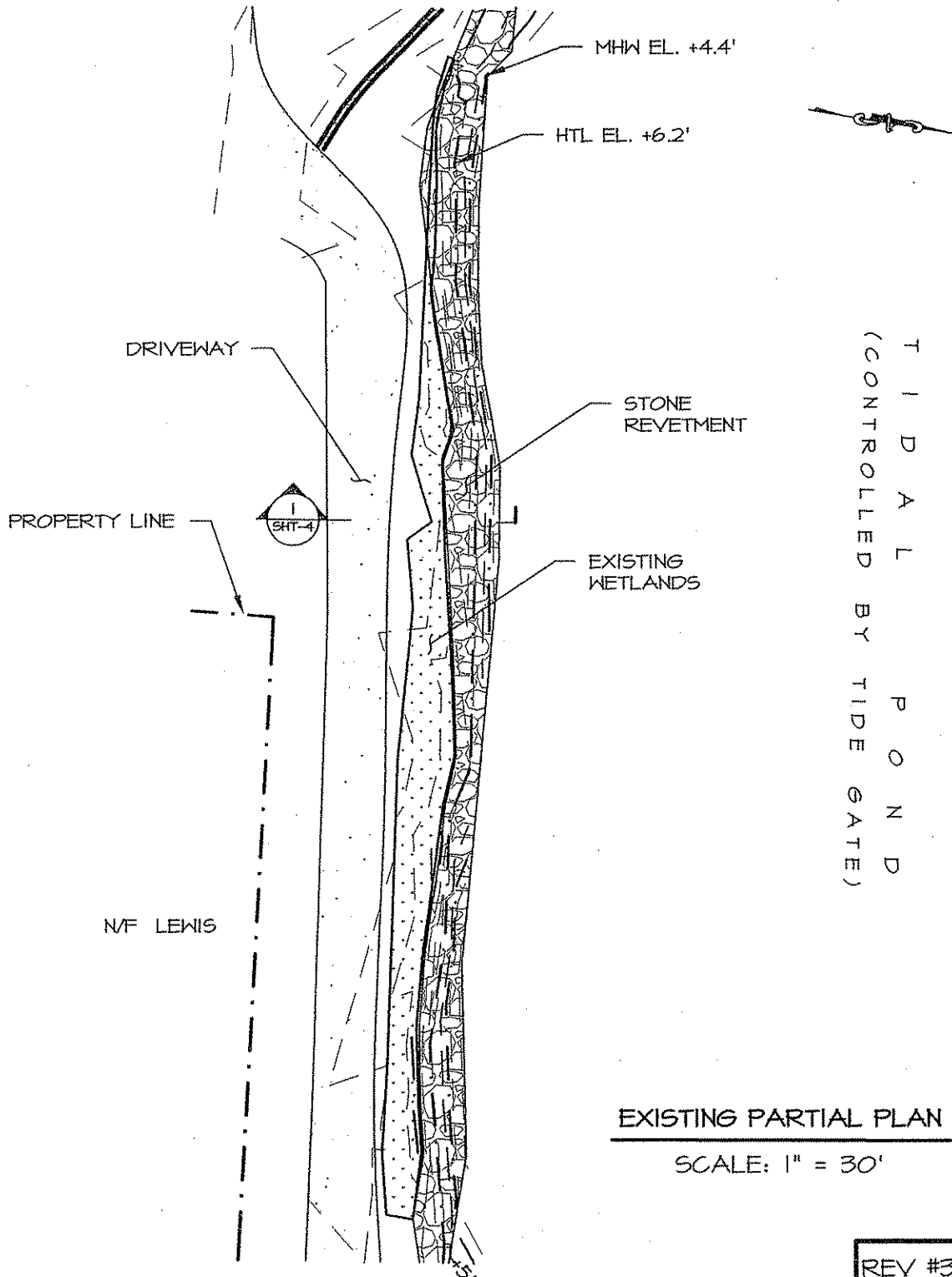
Scale: 1"=120'

Project #: 200504

DUUS RESIDENCE  
PROPERTY IMPROVEMENTS  
COS COB HARBOR

ANDREAS DUUS III  
26 CHERRY TREE LANE  
GREENWICH, CT 06878

SHEET 2 OF 10



T I D A L P O N D  
(CONTROLLED BY TIDE GATE)

EXISTING PARTIAL PLAN

SCALE: 1" = 30'

REV #3: 5/12/09



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Coastal Engineers, LLC

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Drawn By: MRR

Checked By: DJS

Datum: NGVD

Date: 3/21/08

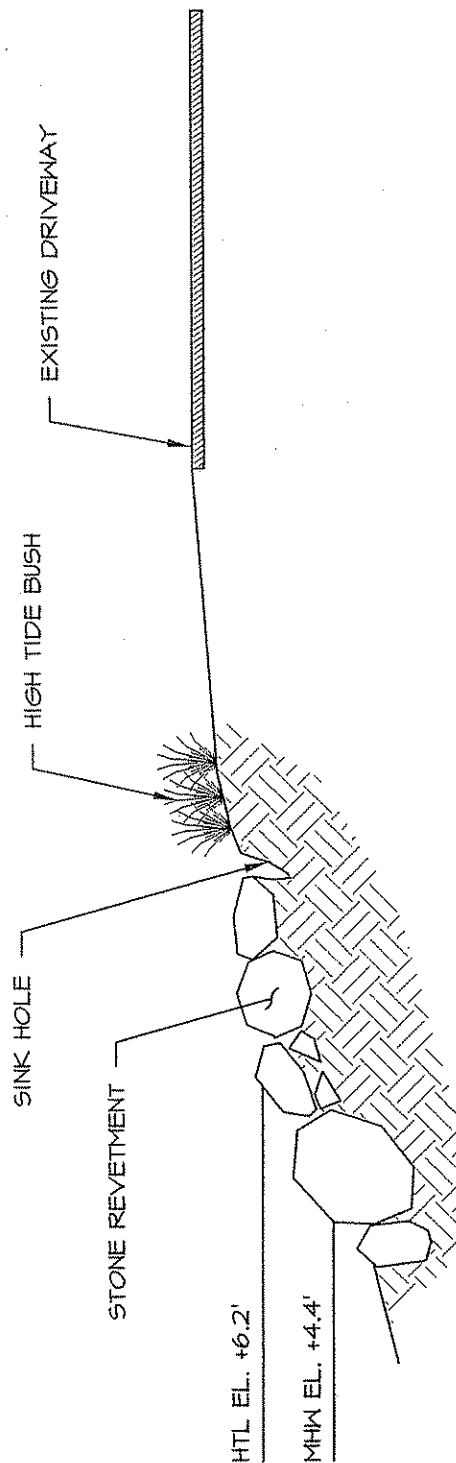
Scale: 1" = 30'

Project #: 200504

DUUS RESIDENCE  
PROPERTY IMPROVEMENTS  
COS COB HARBOR

ANDREAS DUUS III  
26 CHERRY TREE LANE  
GREENWICH, CT 06878

SHEET 3 OF 10



REV #3: 5/12/09



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2499 Main Street, Unit F, Stratford, CT 06615  
Tel: 203-377-0663 Fax: 203-375-6561 www.racellc.com

Drawn By: MRR

Checked By: JCR

Datum: NGVD

Date: 3/21/08

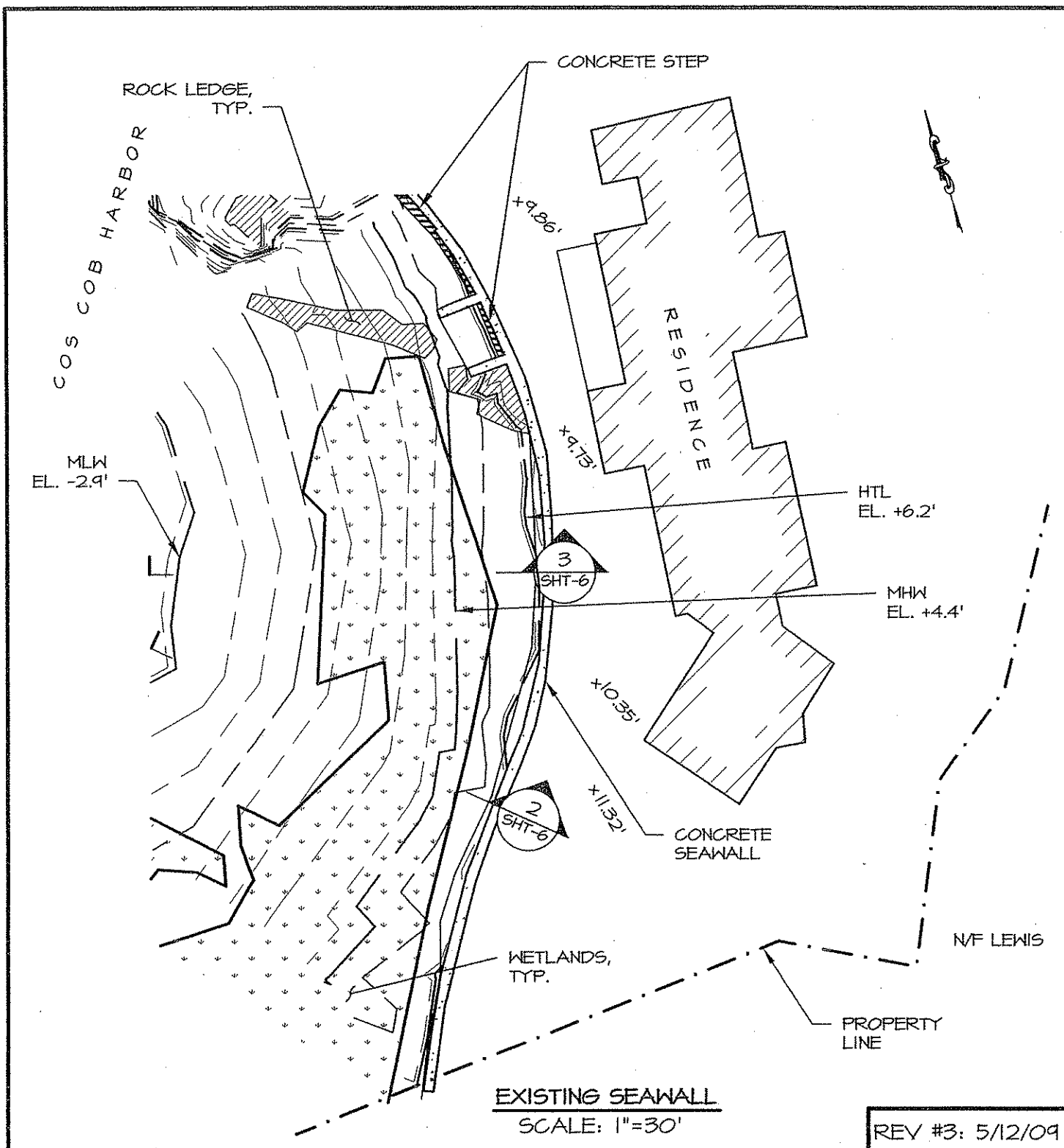
Scale: 1" = 5'

Project #: 200504

DWUS RESIDENCE  
PROPERTY IMPROVEMENTS  
COS COB HARBOR

CLIENT NAME  
26 CHERRY TREE LANE  
GREENWICH, CT 06878

SHEET 4 OF 10



ROBERGE ASSOCIATES  
Coastal Engineers, LLC

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Tel: 203-377-0663 Fax: 203-375-6561 www.racellc.com

Drawn By: MRR

Checked By: DJS

Datum: NGVD

Date: 3/21/08

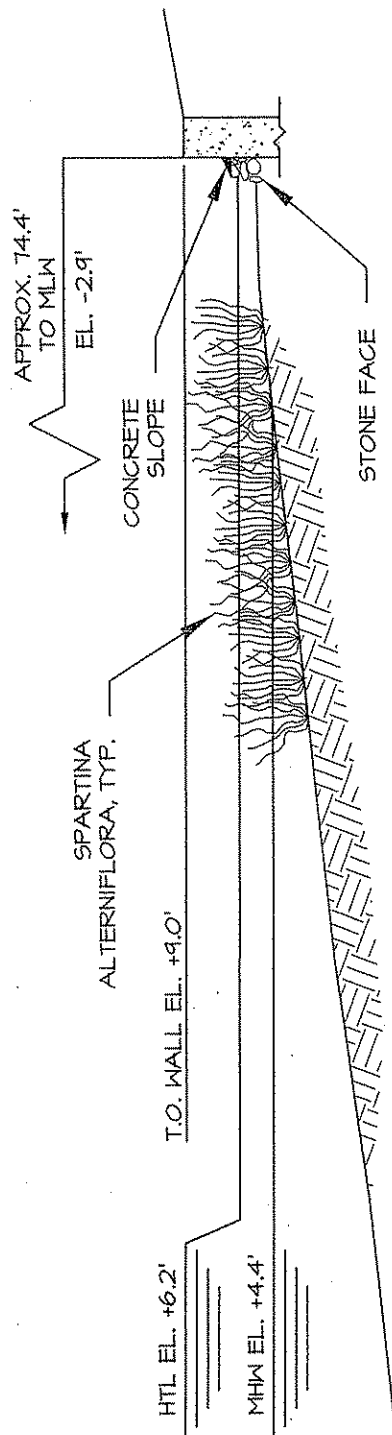
Scale: 1"=30'

Project #: 200504

DUUS RESIDENCE  
PROPERTY IMPROVEMENTS  
COS COB HARBOR

ANDREAS DUUS III  
26 CHERRY TREE LANE  
GREENWICH, CT 06878

SHEET 5 OF 10



### SECTION 2: EXISTING SEAWALL

SCALE: 1" = 10'

APPROX. 77.6\'' TO MLW  
EL. -2.9'

DETERIORATED CONCRETE SEAWALL;  
CRACKING THROUGHOUT, REFER  
TO PHOTOGRAPHS, TYP.

SPARTINA  
ALTERNIFLORA, TYP.

CONCRETE  
SLOPE

T.O. WALL EL. +8.5'

HTL EL. +6.2'

MHW EL. +4.4'

### SECTION 3: EXISTING SEAWALL

SCALE: 1" = 10'

REV #4: 5/26/10



ROBERGE ASSOCIATES  
Coastal Engineers, LLC

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Tel: 203-377-0563 Fax: 203-375-6561 www.racellc.com

Drawn By: MRR

Checked By: JCR

Datum: NGVD

Date: 3/21/08

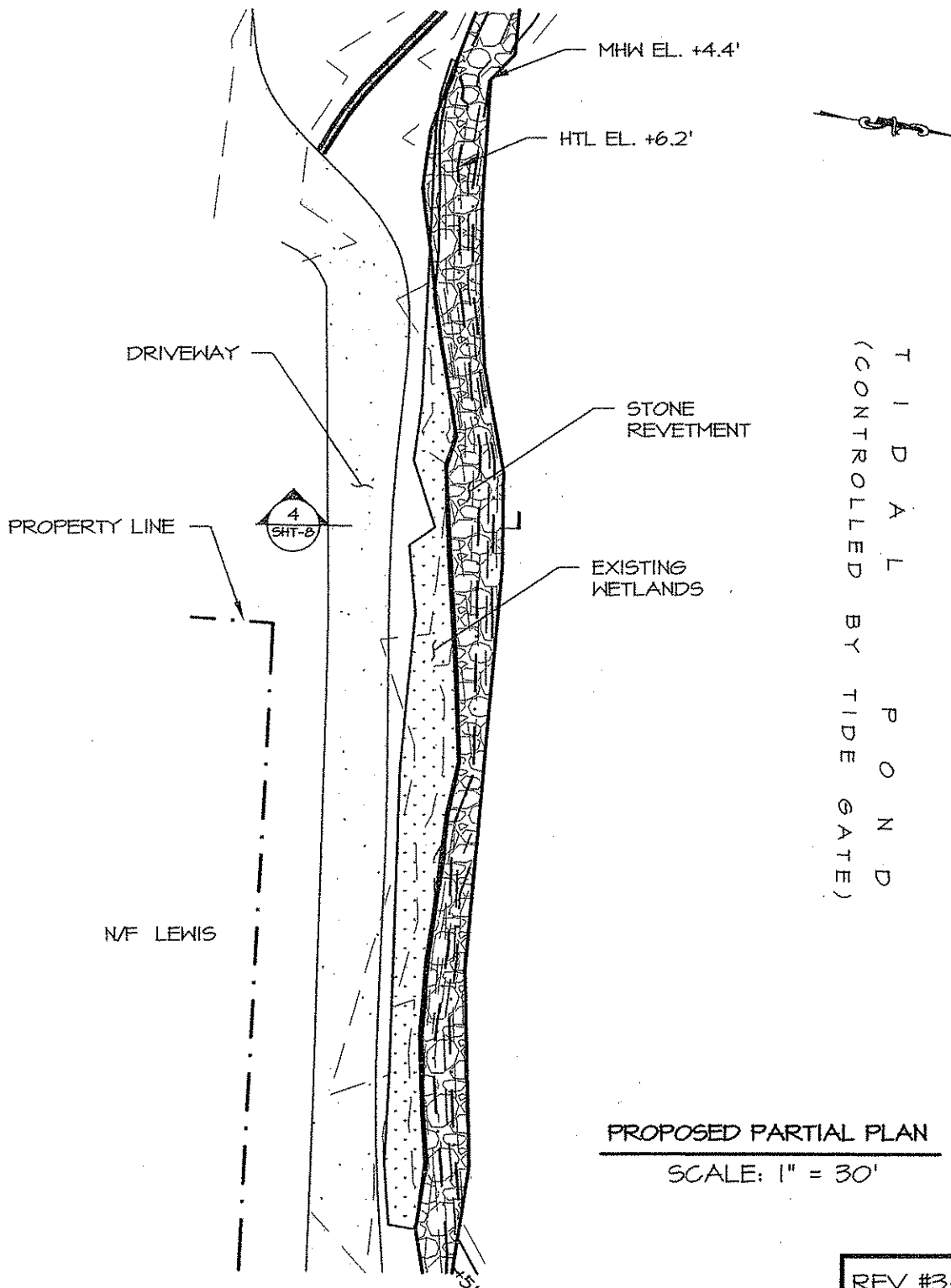
Scale: 1" = 10'

Project #: 200504

DUUS RESIDENCE  
PROPERTY IMPROVEMENTS  
COS COB HARBOR

ANDREAS DUUS III  
26 CHERRY TREE LANE  
GREENWICH, CT 06878

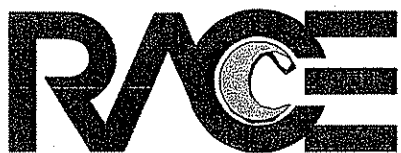
SHEET 6 OF 10



PROPOSED PARTIAL PLAN

SCALE: 1" = 30'

REV #3: 5/12/09



ROBERGE ASSOCIATES  
Coastal Engineers, LLC

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Tel: 203-377-0663 Fax 203-375-6561 www.racellc.com

Drawn By: MRR

Checked By: JCR

Datum: NGVD

Date: 3/21/08

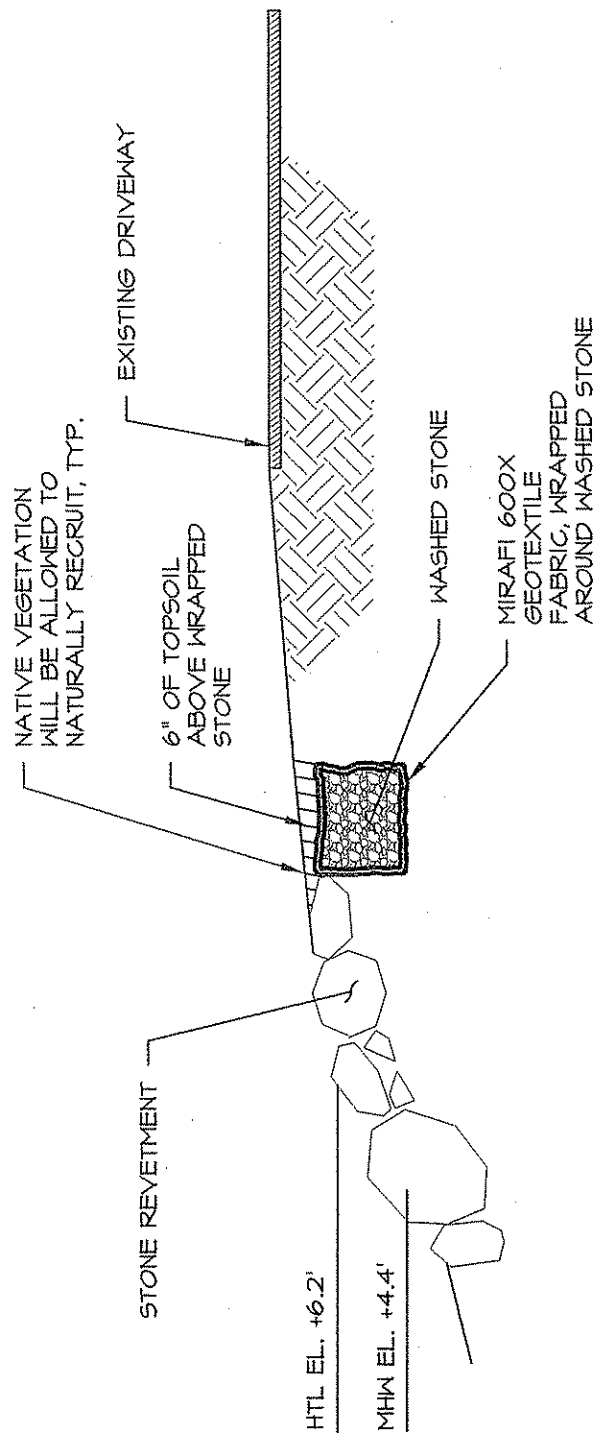
Scale: 1" = 30'

Project #: 200504

DUUS RESIDENCE  
PROPERTY IMPROVEMENTS  
COS COB HARBOR

ANDREAS DUUS III  
26 CHERRY TREE LANE  
GREENWICH, CT 06878

SHEET 7 OF 10



**SECTION 4: PROPOSED RIPRAP REPAIR**

SCALE: 1" = 5'

REV #3: 5/12/09



**ROBERGE ASSOCIATES**  
Coastal Engineers, LLC

2499 Main Street, Unit F, Stratford, CT 06615  
Tel: 203-377-0863 Fax 203-375-6561 www.racellc.com

Drawn By: MRR

Checked By: JCR

Datum: NGVD

Date: 3/21/08

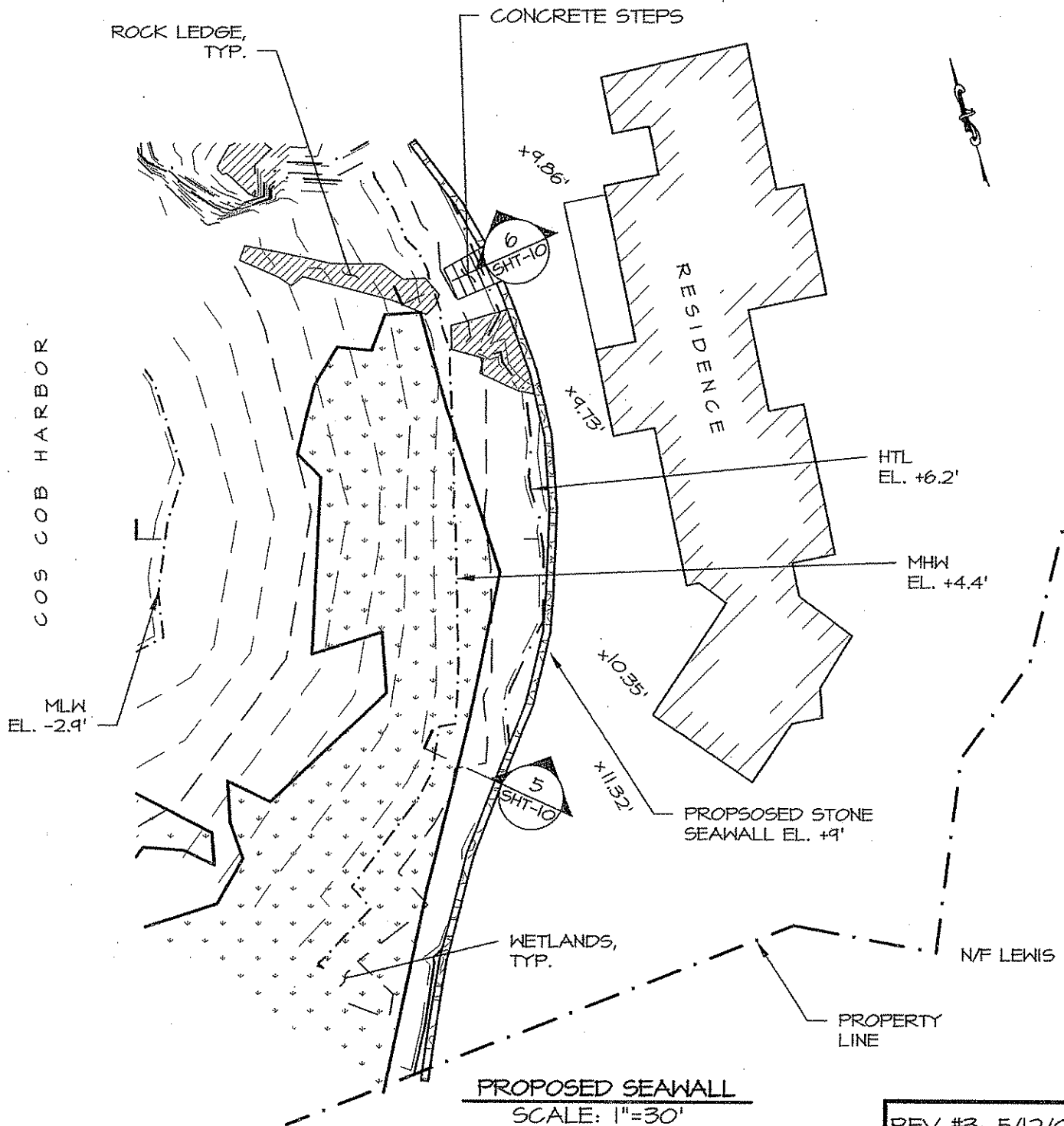
Scale: 1" = 5'

Project #: 200504

DWUS RESIDENCE  
PROPERTY IMPROVEMENTS  
COS COB HARBOR

ANDREAS DWUS III  
26 CHERRY TREE LANE  
GREENWICH, CT 06878

SHEET 8 OF 10



REV #3: 5/12/09



ROBERGE ASSOCIATES  
Coastal Engineers, LLC

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Tel: 203-377-0663 Fax: 203-375-6561 www.racellc.com

Drawn By: MRR

Checked By: JCR

Datum: NGVD

Date: 3/21/08

Scale: 1"=30'

Project #: 200504

DUUS RESIDENCE  
PROPERTY IMPROVEMENTS  
COS COB HARBOR

ANDREAS DUUS III  
26 CHERRY TREE LANE  
GREENWICH, CT 06878

SHEET 9 OF 10



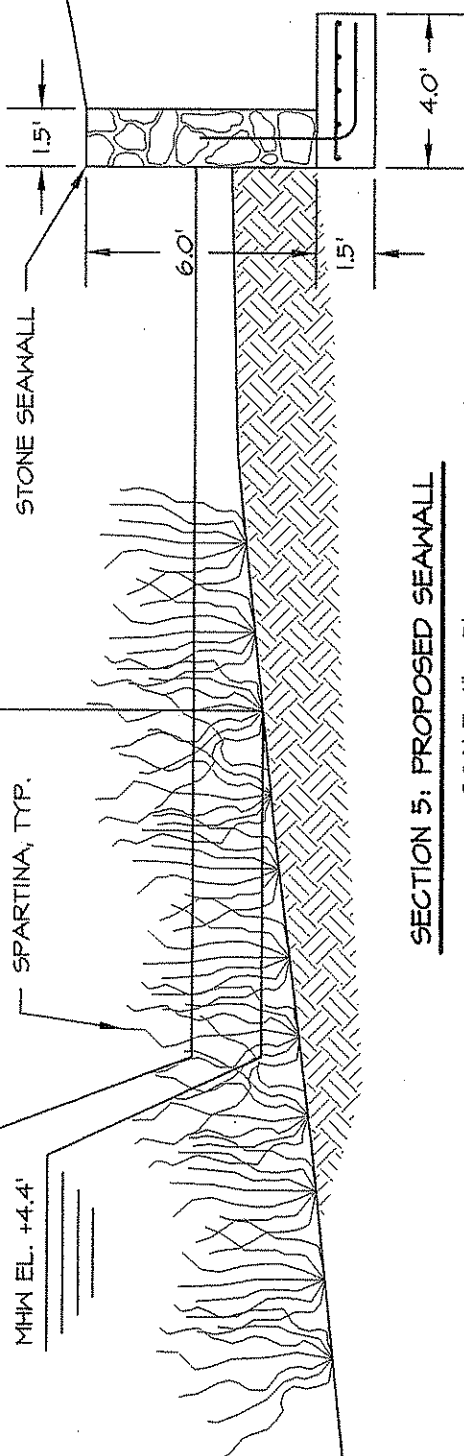
APPROX. 58.8'  
TO MLW  
EL. -2.9'

HTL EL. +6.2'

MHW EL. +4.4'

SPARTINA, TYP.

STONE SEAWALL



### SECTION 5: PROPOSED SEAWALL

SCALE: 1" = 5'

STONE SEAWALL  
EL. +9.0'

APPROX. 67.8'  
TO MLW  
EL. -2.9'

HTL EL. +6.2'

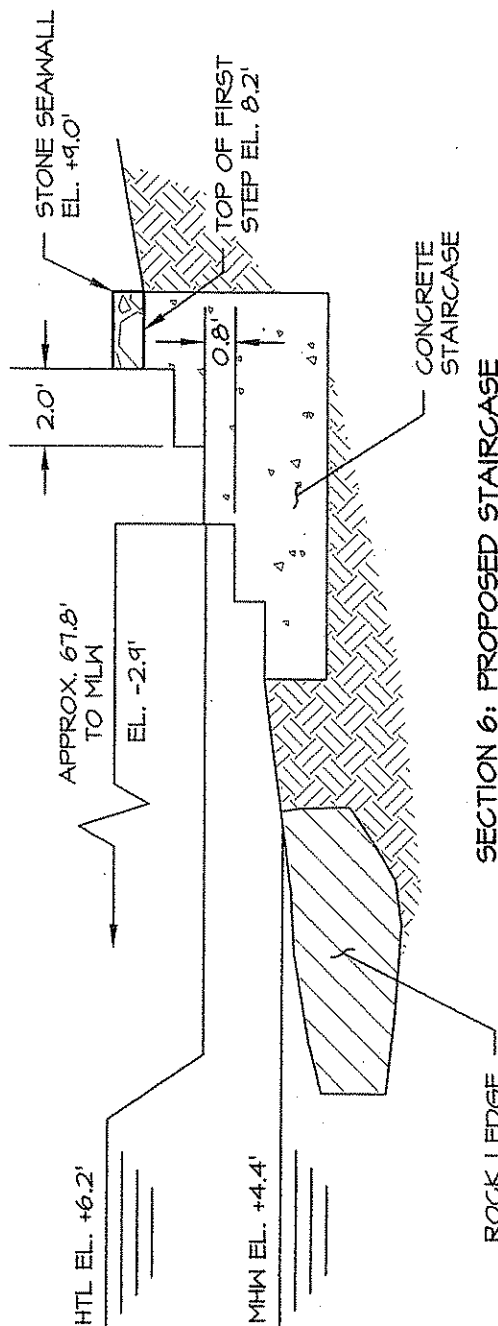
MHW EL. +4.4'

TOP OF FIRST  
STEP EL. 8.2'

CONCRETE  
STAIRCASE

### SECTION 6: PROPOSED STAIRCASE

SCALE: 1" = 5'



ROCK LEDGE

REV #3: 5/12/09



ROBERGE ASSOCIATES  
Coastal Engineers, LLC

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Drawn By: MRR

Checked By: JCR

Datum: NGVD

Date: 3/21/08

Scale: 1" = 5'

Project #: 200504

DUUS RESIDENCE  
PROPERTY IMPROVEMENTS  
COS COB HARBOR

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26 CHERRY TREE LANE  
GREENWICH, CT 06878

SHEET 10 OF 10